

Lowell Zoning Board of Appeals Minutes

April 25, 2022 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA, or refer to video recordings available online at www.LTC.org.

Members Present: Vice Chair Pech, Member McCarthy, Member Briere, Member Procope, Member Njoroge

Members Absent: Chairman Perrin, Member Callahan

Others Present: Serena Gonzalez, Assistant Planner Dylan Ricker, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 4/11/2022 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Vice Chairman Pech called the meeting to order at 6:31 PM

Continued Business

ZBA-2022-3

Petition Type: **Variance**

Applicant: **505 Capital Partners, LLC**

Property Located at: **38-40 Swift Street 01852**

Applicable Zoning Bylaws: **Section 5.1 and Section 6.1.10**

Petition: **505 Capital Partners, LLC has applied to the Zoning Board of Appeals to subdivide the existing lot at 38-40 Swift Street and construct a new two-family dwelling on the new lot. The property is located in the Traditional Neighborhood Two-Family (TTF) zoning district and requires Variance approval under Section 5.1 for minimum lot area per dwelling unit, minimum frontage, minimum and maximum front yard setbacks, minimum side yard setback, and minimum rear yard setback, under Section 6.1.10 to exceed the maximum allowed curb cut, and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D McCarthy motioned to continue to the May 9 ZBA meeting, seconded by M Briere. Passed unanimously (5-0)

ZBA-2022-15

Petition Type: **Variance**

Applicant: **Kimberly Aponte**

Property Located at: **1467 & 1469 Gorham Street 01852**

Applicable Zoning Bylaws: **Section 5.1 & 6.1**

Petition: **Kimberly Aponte has applied to the Zoning Board of Appeals to split the two lots for zoning purposes, and construct a single-family home on the newly created lot. 1467 Gorham St is located in the Traditional Two-Family (TTF) zoning district, and 1469 Gorham St is located in the Traditional Single-Family (TSF) zoning district. 1467 Gorham St requires Variance approval pursuant Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, minimum frontage, and minimum side yard setback requirements, pursuant Section 6.1 for relief from the minimum off-street parking requirements, and any other relief required under the Lowell Zoning Ordinance. 1469 Gorham St requires Variance relief pursuant Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, minimum frontage requirements, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Kimberly Aponte – Applicant

Lisa Robinson – Applicant’s Representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G Procope asked if the applicant spoke to the stormwater team. L Robinson said that she is working on obtaining a stormwater permit.

D McCarthy appreciates the effort put into the application. D McCarthy said he will support this project with the conditions that the applicant obtains a stormwater approval and that they address the engineering comments.

M Briere is in support.

R Njoroge asked if the curb cuts were addressed in the new plans. D Ricker said that it was.

V Pech has no concerns or objections.

Motion:

D McCarthy motioned to approve with the conditions that the applicant apply for a street opening permit for a compliant curb cut, obtain stormwater approval, submit updated plans addressing the engineering comments, seconded by G Procope. Approved unanimously (5-0)

II. New Business

ZBA-2022-16

Petition Type: **Variance**

Applicant: **Madgi Mikhael**

Property Located at: **22 Bellevue Street 01851**

Applicable Zoning Bylaws: **Section 5.1 & 6.1**

Petition: **Madgi Mikhael has applied to the Planning Board and Zoning Board of Appeals seeking Special Permit and Variance approval at 22 Bellevue Street. The applicant seeks to convert the existing two-family residential building into a three-family residential building. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The proposal requires Special Permit approval from the Planning Board pursuant Article 12.1(c) to expand a residential structure to three units, Variance approval pursuant Section 6.1 for relief from the off-street parking requirement and off-street parking dimensions, Section 5.1 for relief from the minimum lot area per dwelling unit and minimum usable open space per dwelling unit requirements, and any other relief required under the Lowell Zoning Ordinance. The applicant requires a continuance to the May 11th meeting.**

On Behalf:

Madgi Mikhael requested a continuance.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D McCarthy asked that a site plan be submitted.

Motion:

D McCarthy motioned to continue to the May 9 meeting, seconded by G Procope. Passed unanimously (5-0)

ZBA-2022-19

Petition Type: **Variance**

Applicant: **Angela Kulesza**

Property Located at: **239 Mansur Street 01852**

Applicable Zoning Bylaws: Section 5.1

Petition: Angela Kulesza has applied to the Zoning Board of Appeals for Variance approval to construct a covered deck on her property. The property is located in the Suburban Single-Family (SSF) zoning district, and requires one variance for Floor Area Ratio (FAR) under Section 5.1 and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D McCarthy motioned to continue to May 23, seconded by M Briere. Approved unanimously (5-0)

ZBA-2022-22

Petition Type: Variance

Applicant: ZR Development Group LLC

Property Located at: 74 Boisvert Street, 253 W Sixth Street 01850

Applicable Zoning Bylaws: Section 5.1, 6.1, 8.1.3

Petition: ZR Development Group LLC has applied to the Lowell Planning Board and Lowell Zoning Board of Appeals to redevelop the existing St. Louis School building at 74 Boisvert Street/253 W Sixth Street into nineteen (19) residences with twenty-four (24) off-street parking spaces. The property is located in the Traditional Neighborhood Multi-Family (TMF) zoning district. The application requires Site Plan Review under Section 11.4 to construct more than three dwelling units and Special Permit approval for the conversion of an existing historic school under Section 8.1. The application also requires Variance approval under Section 6.1 for relief from the off-street parking requirement, Section 5.1 for relief from the land area per dwelling unit requirement and usable open space requirement, and under Section 8.1.3(4) for relief from the minimum square footage requirement and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D McCarthy motioned to continue to the June 13 meeting, seconded by M Briere. Passed unanimously (5-0).

ZBA-2022-23

Petition Type: **Variance**

Applicant: **Lydia Blanchard**

Property Located at: **160 Merrimack Street 01852**

Applicable Zoning Bylaws: **Section 6.1**

Petition: **Lydia Blanchard has applied to the Zoning Board of Appeals to convert one (1) existing commercial unit into one (1) residential unit at 160 Merrimack Street. The subject property is located in the Downtown Mixed-Use (DMU) zoning district. The project requires Special Permit approval per Article 12.1(c) for the use, Variance approval per Section 6.1 for relief from the off-street parking requirement, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Joseph Clermont 490 Textile Ave Dracut MA

Speaking in Favor:

Joanna Hall

J Hall says being downtown as a business is difficult and converting it to residential would be helpful.

Speaking in Opposition:

None

Discussion:

D McCarthy says that more people living downtown will benefit businesses. Good change for the building. D McCarthy is in support.

M Briere thinks it is a doable project.

R Procope is in favor.

V Pech thinks the conversion from commercial to residential is a good idea.

Motion:

D McCarty motioned to approve the special permit, seconded by G Procope. Approved (4-0).

D McCarty motioned to approve the variance, seconded by M Briere. Approved (4-0).

R Njoroge recused himself.

III. Other Business

Master Plan Steering Committee

DPD is looking to form a Master Plan Steering Committee that will help oversee the process and ensure public participation as a key element of the Master Plan. The Committee will consist of approximately 20-30 community members representative of Lowell's diverse population. A portion of the seats on the Steering Committee will be used as appointed positions that will include one representative from each of the various boards and committees. The Board will vote to appoint a member to the Master Plan Steering Committee from the Zoning Board.

M Briere motioned to nominate D McCarthy to the committee, seconded by G Procope. Passed unanimously. (5-0)

Minutes for Approval:

4/11/2022 meeting minutes

Motion: Motion by D McCarthy to accept the minutes, which was seconded by G Procope. The vote was unanimous (5-0).

G Perrin and S Callahan supported D McCarthy for the Master Plan Steering Committee.
D McCarthy expressed his gratitude for being appointed to the Master Plan Steering Committee

IV. Adjournment

Motion to adjourn by D McCarthy, seconded by M Briere. The vote was unanimous (5-0). Meeting adjourned at 7:21 PM.